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JOHN R. ASHCROFT
SECRETARY OF STATE
STATE OF MISSOURI

ELECTIONS DIVISION
(573) 751-2301

December 6, 2021

The Honorable Nicole Galloway
State Auditor
State Capitol Building
Jefferson City, MO 65101

RECEIVED

DEC 06 2021

STATE AUDITORS OFFICE

RE: Petition approval request from Austin Shaffer regarding a proposed constitutional amendment to Article XVI (2022-080)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Austin Shaffer on December 6, 2021.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

John R. Ashcroft

cc: Hon. Eric S. Schmitt
Sheri Hoffman
Trish Vincent

STATE
HERE

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo., to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

County _____

INITIATIVE PETITION

To the Honorable John R. Ashcroft, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and _____ County (or city of St. Louis), respectfully order that the following proposed amendment to the constitution shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 8th day of November, 2022, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and _____ County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

Page No. _____

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John Ashcroft
MISSOURI SECRETARY OF STATE

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI, COUNTY OF _____, I, _____, being first duly sworn, say (print names of signers)

	Signature	Date Signed	Registered Voting Address	Zip Code	Cong. District	Printed First and Last Name
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ County (or city of St. Louis). FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY. I am at least 18 years of age. I do _____ do not _____ (check one) expect to be paid for circulating this petition. If paid, list the payer: _____

Signature of Affiant (Person obtaining signatures) _____ Street Address of Affiant _____ Subscribed and sworn to before me this _____ day of _____, A.D. _____ (Seal)
Printed Name of Affiant _____ City, State and Zip Code of Affiant _____ Signature of Notary _____ Address of Notary _____

Be it resolved by the people of the state of Missouri that the Constitution be amended:

To emphasize the Separation of Powers between the Federal and State government, by (a) clarifying the Federal Government duty to uphold the rights of Missouri's citizens under the U.S. Constitution, including the Bill of Rights and all other provisions, (b) identifying breaches by the Federal Government, and (c) affirming the State's right to assess the severity and consequences of such breaches.

Article XVI.

Sec. 1. Duty of Federal Government of the United States to Uphold the Bill of Rights and Constitution

(1) Missouri hereby clarifies its admission as a State into the United States of America. Such application by Missouri and admission by the Federal Government are, in essence, a governmental compact between the two whereby both parties undertake to fulfill their respective duties.

(2) The Supremacy Clause of the Constitution of the United States and application of the doctrine set forth in Marbury v. Madison together are not designed to give the Federal Government a "blank check" in this governmental compact. Accordingly, the Federal Government is obligated to uphold its end of the bargain, or else find itself in breach.

(3) Some breaches of Federal Government duty may be material, and some may be immaterial.

(4) All breaches of the Federal Government to uphold each of the provisions of the Bill of Rights, including the Tenth Amendment, of the Constitution of the United States is a material breach.

(5) Failure of the Federal Government to allow states to propose Constitutional amendments under Article V of the Constitution of the United States of America is also a material breach.

(6) Missouri reserves the right to address breaches, both material and immaterial, as it may determine proper, following good faith efforts to reconcile such breaches and allowing the Federal Government a period in which it can remedy its breach of contract.

Sec 2. Federal Breaches

The following actions by the United States of America constitute breaches of the Constitutional compact it has with the State:

(a) The excessive use of executive orders by the President of the United States of America, except in the case of live military conflict, circumventing the representative legislative process;

(b) The excessive and reckless incurrence of debt, except in the case of anticipated or

live military conflict:

(c) Failure to effectively protect the borders of the country from unauthorized entry or invasion:

(d) Failure by the Justice Department and Supreme Court of the United States of America to (i) equally enforce the rule of law, (ii) imbue citizens with confidence that the results of national elections are free and fair, and (iii) provide prompt enforcement of criminal laws without endless delays due to investigations often times resulting in no meaningful enforcement action:

(e) Failure by the Federal Government to protect the right of Missouri under the Tenth Amendment to the Constitution of the United States of America to exercise powers not specifically given to the Federal Government, including the power to protect life and protect marriage as Missouri determines best:

(f) Dramatically curtailing freedom of speech of all kinds, in both the public and private arena:

(g) Increasingly curtailing freedom of worship by failing to apply only the least restrictive means of governmental limitation to serve a compelling governmental interest:

(h) Congress effectively ignoring the right of States to propose amendments to the Constitution of the United States of America under Article V: and,

(i) In the name of protection, creating and deploying espionage tools stripping Americans of their sense of privacy of thought, speech, and action, and in their use of electronic tools of all kinds.

Sec 3. Significance of such Breaches

The severity of such breaches, and which, if any of them, are immaterial, and the consequences thereof is for Missouri to assess and decide.

One such possible remedy for breaches, hereby approved by the voters of this State, is for the State to retain its status as a state of the United States of America but also apply as a lawful "separate administrative region" of the state of Texas as the legislature and governor of this State may lawfully determine best, consistent with the Constitution of the United States as applicable at the time of such application.

Sec 4. Superseding US Constitutional Provisions

The provisions of this Article shall not be applicable to the extent superseded by then existing and applicable provisions of the United States Constitution, but shall otherwise be of full force and effect.